

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 23-14-48-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A perpetual care
- 5 fund shall be established under this chapter as follows:
- 6 (1) In the case of a cemetery for earth burials, by the application
- 7 and payment to the perpetual care fund of an amount at least
- 8 equal to:
- 9 (A) fifteen percent (15%) of the sale price; or
- 10 (B) eighty cents (\$0.80) per square foot of area;
- 11 of each burial plot sold or transferred, whichever is greater.
- 12 (2) In the case of a community or public mausoleum, or
- 13 community or public garden crypt, by the application and
- 14 payment to the perpetual care fund of an amount at least equal to:

1 (A) eight percent (8%) of the sale price; or
 2 (B) one hundred dollars (\$100) per crypt sold or transferred;
 3 whichever is greater.

4 (3) In the case of a community columbarium, by the application
 5 and payment to the perpetual care fund of an amount at least
 6 equal to twenty dollars (\$20) per niche sold or transferred.

7 (b) From the sale price, any payment on the sale price, or in a
 8 nonmonetary transfer, the owner shall pay an amount in proportion to
 9 the requirements of subsection (a)(1) through (a)(3) to the care fund.
 10 The payment must be in cash and shall be deposited with the custodian
 11 or trustee of the fund:

12 (1) not more than thirty (30) days after the end of the month in
 13 which payments on the sale are received; or

14 (2) not more than thirty (30) days after the end of the month in
 15 which there was a transfer which did not involve a sale.

16 (c) The payments required by this section are required to be paid
 17 only on the original sale or transfer and not again for any subsequent
 18 resale or transfer of the same ground interment rights, crypt, or niche.

19 **(d) The custodian or trustee of a fund established under this**
 20 **chapter must keep the fund segregated from any other fund or**
 21 **account belonging to the owner of the cemetery.¹**

22 SECTION 2. IC 23-14-48-7 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Not more than
 24 ninety (90) days after the end of the fiscal year of a cemetery to which
 25 this chapter applies, the custodian **or trustee** of the perpetual care fund
 26 of the cemetery shall prepare and file with the owner of the cemetery
 27 a detailed accounting and report of the perpetual care fund for the
 28 preceding fiscal year. The report:

29 (1) must include, among other things, a properly itemized listing
 30 of the securities in which the funds are invested; and

31 (2) shall be available for inspection and copying at all times by
 32 any owner of or holder of a burial right in the cemetery at the
 33 usual place at which the regular business of the cemetery is
 34 transacted.

35 **(b) Not more than one hundred five (105) days after the end of**
 36 **the fiscal year of a cemetery to which this chapter applies, the**
 37 **custodian or trustee of the perpetual care fund of the cemetery**
 38 **shall file the report required under subsection (a) with the state**

- 1 **board of funeral and cemetery service."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to HB 1305 as introduced.)

and when so amended that said bill do pass.

Representative Summers